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**UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED**

**AUG 12 2009**

Attorney for Plaintiff  
LIBERTY MEDIA HOLDINGS, LLC  
d/b/a Excelsior Media

**Clerk of Court**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

**IN RE:**

**LIBERTY MEDIA HOLDINGS, LLC**

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) **DECLARATION OF MARC J.**  
) **RANDAZZA, IN SUPPORT OF**  
) **SUBPOENA TO HOSTGATOR LLC**  
) **PURSUANT TO THE DMCA**  
) **17 U.S.C. §512(H)**  
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I, Marc John Randazza, declare as follows:

1. I serve as general counsel to Liberty Media Holdings, LLC and I am authorized to act on its behalf.

2. Liberty Media Holdings, LLC is the owner of copyrights for various

audiovisual works which have illegally and without authorization been distributed via the website found at <http://www.BiNightBiGay>, which was (is) hosted on the servers of HostGator, LLC.

3. I previously sent HostGator, LLC the Notice of Claimed Infringement attached hereto as Annex A.

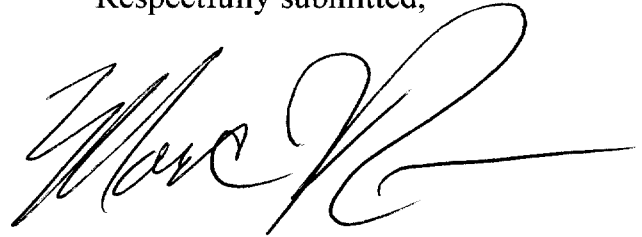
4. The purpose of the accompanying proposed subpoena is solely to obtain the identity of the alleged infringers so that Liberty Media can protect its rights under Title 17 of the United States Code.

Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated:

*AUGUST 4, 2009*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marc Randazza", with a long horizontal flourish extending to the right.

MARC JOHN RANDAZZA,  
Attorney for Plaintiff